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Attorneys for Defendant
Deutsche Bank Securities Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DANIEL B. GRAVES, :
:
Plaintiff, : 07 Civ. 5471 (BSJ)
:
- against - : **AFFIRMATION**
:
DEUTSCHE BANK SECURITIES INC., :
:
Defendant. :
:
----- X

JOANNE SELTZER, an attorney at law duly authorized to practice before the courts of the State of New York, affirms under penalty of perjury:

1. I am associated with Sidley Austin LLP, counsel for defendants, Deutsche Bank Securities Inc. ("DBSI"). As such, I am fully familiar with the facts and circumstances of the instant action.

2. I submit this affirmation in opposition to Graves's Motion for a Determination That the Deadline for Plaintiff's Reply in Support of His Motion for Leave to File His Proposed Second Amended and Supplemental Complaint is July 11, 2008, and That It Is Filed Timely Under Local Civil Rule 5.3(a) and ECF Procedure Part 9, and in the Alternative for a Retroactive

Three-Day Extension of Plaintiff's Time to File His Reply in Support of His Motion for Leave to File His Proposed Second Amended and Supplemental Complaint.

3. At the outset of this litigation the parties served each other courtesy copies of all filings.

4. A true and correct copy of the Notice of Electronic Filing, dated July 18, 2007, is attached hereto as Exhibit A.

5. On July 20, 2008, I telephoned Graves's counsel, Richard Seymour, and asked for an extra day of time to file the reply brief due to the filing of his opposition after normal business hours on July 18, 2008.

6. Mr. Seymour responded to my request through an email, dated July 20, 2007. A true and correct copy of the July 20, 2007 from Richard Seymour to me is attached hereto as Exhibit B.

7. A true and correct copy of the Notice of Electronic Filing dated June 30, 2008 is attached hereto as Exhibit C.

8. On July 10, 2008, two days after Graves's papers were due I emailed Mr. Seymour to ask whether he intended to file the required courtesy copies of the fully briefed motion. A true and correct copy of my email to Mr. Seymour, dated July 10, 2008, is attached hereto as Exhibit D.

9. Mr. Seymour responded that he would file the courtesy copies when the reply was due, which according to his calculation, was not until July 11. A true and correct copy of the email from Mr. Seymour to me, dated July 10, 2008, is attached hereto as Exhibit E.

Dated: New York, New York
July 25, 2008

SIDLEY AUSTIN LLP

By: Joanne Seltzer
Joanne Seltzer
787 Seventh Avenue
New York, New York 10019

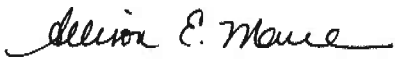
Attorneys for Defendant
Deutsche Bank Securities Inc.

CERTIFICATE OF SERVICE

I, Allison E. Maue, an attorney admitted to practice in the State of New York, and not a party to this action, state under penalty of perjury that on the 25th day of July, 2008, I caused a true and correct copy of the foregoing Affirmation of Joanne Seltzer to be served upon the following:

Richard T. Seymour
Law Office of Richard T. Seymour, PLLC
1150 Connecticut Avenue, NW, Suite 900
Washington, D.C. 20036-4129
(by Federal Express overnight delivery)

Steven A. Berger
Berger & Webb, LLP
1633 Broadway, 46th Floor
New York, New York 10019
(by hand)



Allison E. Maue